

Remarks

Applicant respectfully requests reconsideration of this application as amended. No claims have been amended, canceled, or added. Claims 34 and 35 were previously canceled. Therefore, claims 1-33 and 36-39 are presented for examination.

35 U.S.C. §103 Rejection

Claims 1-6, 8-16, 18-25, 27-29, 31-33, 36 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al., U.S. Publication No. 2003/0046421 (“Horvitz”) in view of Horvitz 649, U.S. Publication No. 2002/0087649 (“Horvitz 649”) further in view of Alexander et al., U.S. Patent No. 6,640,230 (“Alexander”) and Scheuring, U.S. Publication No. 2002/0131565 (“Scheuring”). Applicant submits that the present claims are patentable over Horvitz, Horvitz 649, Alexander and Scheuring.

Horvitz ‘421 discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (See Horvitz ‘421 at ¶ [0007].) Horvitz ‘649 discloses a system and methodology for reducing disruption costs associated with notifying a user of messages, automated assistance, and/or alerts. (See Horvitz ‘649 at Abstract.) Alexander discloses a system for using calendar events for users of electronic calendaring systems to prepare customized responses to incoming events, where the response supplies information pertaining to the user. (See Alexander at Abstract.) Scheuring discloses a calendaring system for life management. (Scheuring at ¶[0005].)

Amended claim 1 of the present application recites, in part:

resolving, by the digital assistant, the event without
contacting the user if the level of importance of the event is

greater than or equal to a first threshold and less than or equal to a second threshold, the resolving including the digital assistant using profile information of the user of the digital assistant, rules set by the user, technological obstacles, geographical obstacles, and any other previously attempted contacts act on its own to directly resolve the event on the user's behalf by taking action beyond generating an automated response to the information provider that originated the event and without having to contact the user or any other people to handle the event

(Emphasis added.)

Applicant submits that none of Horvitz '421, Horvitz '649, Alexander, or Scheuring individually or in combination, discloses or suggests this feature. The Office Action acknowledges that Horvitz '421, Horvitz '649, and Alexander fail to disclose this feature. (Office Action, 11/24/08, pp. 4-5.) However, the Office does cite Scheuring as teaching the above-noted feature. (Id. at pp. 5-6.) Specifically, the Office Action cites Scheuring at Figure 3, items 310, 320, 350, and 380 and paragraph [0074] as disclosing that "the event (receiving an invitation) is resolved be with automatically accepting or declining the invitation to the meeting...without the user's intervention." (Id. at pg. 6.)

However, Scheuring has a filing date of February 9, 2002. This date is not prior to the filing date of the present application of June 29, 2001. Scheuring does have a priority filing date of February 9, 2001 based on its provisional application 60/267,814. In order to disclose the above-noted feature of the present application, the cited feature relied on by the Examiner in Scheuring must be disclosed in provisional application 60/267,814. Applicant has reviewed provisional application 60/267,814 and can find no disclosure or suggestion of the relied-upon Figure 3 and paragraph [0074] in this application. The closest description to this material is found on page 55 of provisional application 60/267,814, where it is stated that the "system can accept invitations to events for user (if pref is *not* set requiring user's

acceptance.” This is not the same as the disclosure relied upon in the non-provisional Scheuring application. Nor is it the same as acting on its own to directly resolve the event on the user’s behalf by taking action beyond generating an automated response to the information provider that originated the event and without having to contact the user or any other people to handle the event, as taught by claim 1. As such, applicant submits that Scheuring does not teach, disclose, or suggest the cited feature of claim 1.

As none of Horvitz ‘421, Horvitz ‘649, Alexander, or Scheuring , individually or in combination, disclose or suggest the cited feature of claim 1, applicant respectfully submits that claim 1, as well as its dependent claims, is patentable over Horvitz ‘421 and Horvitz ‘649 in view of Alexander and Scheuring.

Independent claims 11, 21, 27, and 31 recite limitations similar to those recited in claim 1. Therefore, claims 11, 21, 27, and 31, as well as their respective dependent claims, are patentable over Horvitz ‘421, Horvitz ‘649, Alexander, and Scheuring for the reasons discussed above with respect to claim 1.

Claims 37 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz in view of Horvitz 649, Alexander, and Scheuring in further view of what was well known in the art. Applicant submits that the present claims are patentable over Horvitz, Horvitz 649, Alexander, Scheuring, and what is well known in the art. Applicant submits that the present claims all depend from one of the independent claims. As discussed above, the independent claims are patentable over Horvitz ‘421 and Horvitz ‘649 in view of Alexander and Scheuring. What is well known in the art does not remedy the deficiencies of Horvitz ‘421 and Horvitz ‘649 in view of Alexander and Scheuring as far as disclosing the

claims of the present application. As a result, the present claims are also patentable over Horvitz '421, Horvitz '649, Alexander, and Scheuring, even in view of what is well known in the art.

Claims 7, 17, 26 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz in view of Horvitz 649, Alexander and Scheuring and further in view of Fisher et al., U.S. Patent No. 5,835,896 ("Fisher"). Applicant submits that the present claims are patentable over Horvitz, Horvitz 649, Alexander, Scheuring, and Fisher. Applicant submits that the present claims all depend from one of the independent claims. As discussed above, the independent claims are patentable over Horvitz '421 and Horvitz '649 in view of Alexander and Scheuring. Fisher does not remedy the deficiencies of Horvitz '421 and Horvitz '649 in view of Alexander and Scheuring as far as disclosing the claims of the present application. As a result, the present claims are also patentable over Horvitz '421, Horvitz '649, Alexander, and Scheuring, even in view of Fisher.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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